

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The Public Employment Relations Board (PERB or Board) proposes to adopt, renumber, repeal, or amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

REGULATORY ACTION

The Board proposes to adopt sections 32091, 61215, 61255, and 61275; renumber section 32160; repeal sections 32613, 32810, 32811, 32812, and 32813; and amend sections 32132, 32135, 32140, 32147, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, and 61270. The repeal of sections 32810, 32811, 32812, and 32813 repeals Article 7 of Chapter 1, Subchapter 6 in its entirety. Also amended by this action would be the title of Article 3 of Chapter 5.

Proposed Section 32091 provides for the filing of documents through the use of electronic mail messages (e-mail). Section 32132 establishes procedures for the granting of extensions of time. Section 32135 defines the requirement for filing documents with PERB. Section 32140 sets forth the requirements related to service of documents on other interested parties. Section 32147 addresses expediting matters before the Board. Section 32160 provides for circumstances when the Board may order the taking of testimony by deposition. Section 32305 addresses when proposed decisions become final. Section 32320 concerns decisions issued by the Board itself. Section 32450 provides for the filing of requests for injunctive relief. Section 32455 addresses the investigation for a request for injunctive relief. Section 32613 currently provides for on-line filing of unfair practice charges. Section 32615 identifies the required contents of an unfair practice charge. Section 32620 concerns the processing of an unfair practice charge by a Board agent. Section 32661 addresses the filing of an unfair practice charge based on the claim that an arbitration decision is repugnant to the applicable collective bargaining statute. Section 32798 addresses procedures for the appointment of a factfinding panel chairperson under the Educational Employment Relations Act (EERA) and the Higher Education Employer-Employee Relations Act (HEERA).

Section 32810 provides for a list of arbitrators maintained by PERB. Section 32811 provides for requests by parties for the names of arbitrators. Section 32812 provides for the parties to notify PERB when they have selected an arbitrator. Section 32813 specifies that the costs of arbitration are borne by the parties.

Section 61090 provides for a public agency subject to the Meyers-Milias-Brown Act (MMBA) to grant recognition to an employee organization under specified circumstances. Section 31210 provides for the filing of a petition for certification under the MMBA. Proposed Section 61215 would provide for the filing of a petition for recognition under the MMBA. Section 61220 provides for the posting of a notice of the filing of a petition for certification. Section 61240 concerns the Board's determination as to the adequacy of proof of support for a petition for certification. Section 61250 provides for an employer response to a petition for

certification. Proposed Section 61255 provides for an employer response to a petition for recognition. Section 61260 provides for amendments to a petition for certification. Section 61270 concerns the Board's investigation of disputes concerning a petition for certification. Proposed Section 61275 would provide for the Board's certification of an exclusive representative, based on proof of support, under specified circumstances.

PUBLIC HEARING

The Board will hold a public hearing at 10:00 a.m., on December 13, 2012, in Room 103 of its headquarters building, located at 1031 18th Street, Sacramento, California. Room 103 is wheelchair accessible. At the hearing, any person may orally present statements or arguments relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing. Any person wishing to testify at the hearing is requested to notify the Office of the General Counsel as early as possible by calling (916) 322-3198 to permit the orderly scheduling of witnesses and to permit arrangements for an interpreter to be made if necessary.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on December 11, 2012. Written comments will also be accepted at the public hearing. Submit written comments to:

Jonathan Levy, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 327-8387
FAX: (916) 327-6377
E-mail: jlevy@perb.ca.gov

or

Katharine Nyman, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 327-8386
FAX: (916) 327-6377
E-mail: knyman@perb.ca.gov

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers-Milias-Brown Act (MMBA). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act). Government Code section 3563 authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Governance and Employment Protection Act (Trial Court Act). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act).

General reference for proposed section 32091: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for section 32132: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(n), 3541.35, 3563(m), 3563.5, 71639.1, 71639.15, and 71825, and 71825.05, Government Code; and Section 99561(m) and 99561.4, Public Utilities Code. General reference for section 32135: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for section 32140: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for section 32147: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32160: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for section 32305: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(k), (n), 3541.35, 3563(j), (m), 3563.5, 71639.1, 71639.15, 71825, and 71825.05, Government Code; and Section 99561(j), (m), and 99561.4, Public Utilities Code. General reference for section 32320: Sections 3509, 3513(h), 3514.5, 3541.3(k), (n), 3563(j), (m), 3563.2, 11425.60, 71639.1, and 71825, Government Code; and Sections 99561(j), (m) and 99561.2, Public Utilities Code. General reference for section 32450: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for section 32455: Sections 3509, 3513(h), 3541.3(j), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for section 32613: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563,

3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for section 32615: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for section 32620: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1 and 71825, Government Code; Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code; Firefighters Union, Local 1186 v. City of Vallejo (1974) 12 Cal.3d 608, and Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board (2005) 35 Cal.4th 1072. General reference for section 32661: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8 and 99567, Public Utilities Code. General reference for section 32798: Sections 3548.1 and 3591, Government Code. General reference for section 32810: Sections 3513(h), 3541.3(d), 3548.5, 3548.6 and 3589(d), Government Code, and Sections 99561(d) and 99567, Public Utilities Code. General reference for section 32811: 3513(h), 3541.3(d), 3548.5, 3548.6 and 3589(d), Government Code, and Section 99567, Public Utilities Code. General reference for section 32812: Sections 3513(h), 3541.3(d), 3548.5, 3548.6 and 3589(d), Government Code, and Section 99567, Public Utilities Code. General reference for section 32813: Sections 3513(h), 3541.3(d), 3548.5, 3548.6 and 3589(d), Government Code, and Section 99567, Public Utilities Code. General reference for section 61090: Reference: Sections 3507, 3507.1(a), (c), 3509 and 3541.3(l), Government Code. General reference for section 61210: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for proposed section 61215: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61220: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61240: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61250: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61255: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61260: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(l), Government Code. General reference for section 61270: Sections 3507, 3507.1, 3507.3, 3507.5, 3508, 3509 and 3541.3(h) and (l), Government Code. General reference for proposed section 61275: Sections 3507, 3507.1(a), (c), 3509 and 3541.3(l), Government Code.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California. PERB presently administers seven collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers-Milias-Brown Act (MMBA) of 1968, which established collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976 establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer-Employee Relations Act (HEERA) of 1979 extending the same coverage to the California State University System, the University of California System and Hastings College of Law; the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) of 2003, which covers supervisory employees of the Los Angeles County Metropolitan Transportation Authority; and the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000 and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, which together provide for collective bargaining rights for most trial court employees. PERB also now has jurisdiction over the In-Home Supportive Services Employer-Employee Relations Act of 2012 (IHSSA), which is applicable to certain in-home supportive services providers, but no changes related to the enactment of that new statute are reflected in this rulemaking package.

As explained in more detail below in the Informative Digest, the changes proposed by this Notice address seven areas, but with a unifying theme of both more clarity and more transparency in the Board's processes. The first area of change concerns filing and service of documents. These changes primarily concern allowance for filing and service of documents by electronic mail, in most circumstances, while deleting the current on-line filing system that applies only to unfair practice charges.

Second, the repeal of the regulations providing for PERB's maintenance of a list of arbitrators is proposed due to the recent transfer to the State Mediation and Conciliation Service (SMCS) from the Department of Industrial Relations to PERB. SMCS also maintains a list of arbitrators, and parties utilize that list far more often than they do PERB's, and so it is logical to eliminate the redundancy by eliminating the list that is least used. PERB will continue, however, to maintain a Panel of Neutrals for purposes of providing lists of neutral factfinders and for the appointment of panel chairpersons. The third area of rulemaking proposed here concerns a change regarding the selection of factfinders under HEERA, where section 32798 would be modified to be consistent with current practice.

The fourth area of rulemaking concerns Board decisions. These changes, in part, clarify when decisions become final, pursuant to the mandate of Senate Bill 609 (Chapter 242, Statutes of 2011), and would prohibit extensions of time in representation cases subject to the 180-day limit for processing representation cases as set forth in Senate Bill 609. In addition, the amendments to Section 32320 would give the Board discretion to decide whether to designate

decisions involving a review of a charge dismissal as precedential. All other decisions would continue to be precedential.

Fifth, amendments to Section 32147 would clarify and make more transparent the Board's policy on when cases may be expedited. The sixth area concerns unfair practice charge processing. While several amendments are proposed, these changes are intended to be clarifying and not to make any major substantive change.

The seventh and final area concerns the process under the MMBA for petitioning for certification or recognition as an exclusive representative. The changes proposed would clarify but make no substantive change in MMBA representation procedures, pursuant to statutory changes enacted in 2001 (Chapter 790, Statutes of 2001; Assembly Bill 1281). The amendments (and addition of three new sections) are consistent with the procedures already in effect for cases arising under EERA and HEERA.

INFORMATIVE DIGEST

Proposed Section 32091 would provide for the filing of documents through the use of electronic mail messages (e-mail). Currently, the only electronic filing allowed under PERB regulations is the on-line filing of unfair practice charges, through a program maintained on the PERB web site that requires persons using it to register and to have an e-mail address. The intent is to broaden the use of electronic filing in order to facilitate more timely processing of cases, and to eliminate the use of a proprietary system that itself requires the investment of time and resources.

Section 32132 establishes procedures for the granting of extensions of time. The only change proposed, other than the updating of reference citations, is a cross-reference to changes proposed to Section 32305, pursuant to the mandate of Senate Bill 609 (Chapter 242, Statutes of 2011).

Section 32135 defines the requirement for filing documents with PERB. The changes proposed involve clarification as to when proof of service must accompany documents filed with PERB, and revisions related to the adoption of proposed Section 32091 (e-mail filing).

Section 32140 sets forth the requirements related to service of documents on other interested parties. Most of the changes proposed to this section are intended to provide clarity with respect to the use of electronic mail for filing and service of documents. In addition, the prohibition against a party to a case signing his or her own proof of service document would be deleted.

Section 32147 addresses expediting matters before the Board. The current language of this section refers to "policy established by the Board itself," but does not otherwise clarify or identify when matters will be expedited. Over the years, a body of practice has developed around this question, and the intent here is to make the policy more transparent by setting it forth in the text of the regulation itself. The policy described by the proposed changes is also

consistent with the mandate of Senate Bill 609 (Chapter 242, Statutes of 2011) regarding timely processing of representation disputes.

Section 32160 provides for circumstances when the Board may order the taking of testimony by deposition. The only change proposed here is to renumber the section so that it appears in Subchapter 3 (Hearings), rather than Subchapter 2 (Definitions and General Provisions) of Chapter 1.

Section 32305 addresses when proposed decisions become final. This section would be re-titled and amended consistent with the mandate of Senate Bill 609 (Chapter 242, Statutes of 2011), which requires that certain proposed decisions of an administrative law judge become final if the Board itself does not issue a decision in the case within 180 days from the date exceptions were filed with the Board.

Section 32320 concerns decisions issued by the Board itself. The proposed amendments to Section 32320 would give the Board the discretion to decide whether to designate decisions involving a review of a charge dismissal as precedential. All other decisions would continue to be precedential.

Section 32450 provides for the filing of requests for injunctive relief. Section 32455 addresses the investigation for a request for injunctive relief. The only changes proposed to these sections are for purposes of clarifying the language, and to incorporate reference to the use of electronic mail for filing and service.

Section 32613 currently provides for on-line filing of unfair practice charges. This section would be repealed, as maintenance of the current, limited on-line filing system would be unnecessary with the adoption of proposed changes allowing for filing via use of electronic mail.

Section 32615 identifies the required contents of an unfair practice charge. The only changes involve the removal of two items of information currently required; namely, a statement whether a collective bargaining agreement is in effect, and the date and duration of such agreement, and whether a grievance procedure or public notice complaint procedure has been invoked. In many cases, neither item of information is relevant or necessary, and the requirement of answers in order to have a valid charge filed causes confusion.

Section 32620 concerns the processing of an unfair practice charge by a Board agent. Several clarifying changes are proposed here, but no substantive change in the meaning or administration of this section is intended.

Section 32661 addresses the filing of an unfair practice charge based on the claim that an arbitration decision is repugnant to the applicable collective bargaining statute. A clarifying correction to the cross-reference to other regulation sections is proposed. Again, this would have no substantive impact.

Section 32798 addresses procedures for the appointment of a factfinding panel chairperson under the Educational Employment Relations Act (EERA) and the Higher Education Employer-Employee Relations Act (HEERA). As currently written, this section would arguably prohibit parties under HEERA from agreeing to select and compensate a factfinding panel chairperson who would not be available for appointment by PERB. Current practice is to allow the parties to make such a selection by mutual agreement, and the proposed revisions would codify that practice.

Section 32810 provides for a list of arbitrators maintained by PERB. Section 32811 provides for requests by parties for the names of arbitrators. Section 32812 provides for the parties to notify PERB when they have selected an arbitrator. Section 32813 specifies that the costs of arbitration are borne by the parties. The repeal of these sections is proposed because an equivalent process is available through the State Mediation and Conciliation Service (SMCS), which is now a division of PERB. While PERB receives only one or two requests for arbitrator lists each year, SMCS processes hundreds of such requests.

Section 61090 provides for a public agency subject to the Meyers-Milius-Brown Act (MMBA) to grant recognition to an employee organization under specified circumstances. The amendments to this section would clarify and make more certain the provisions, consistent with the wording of similar sections applicable under other statutes (see, e.g., Section 33480, applicable to cases arising under EERA).

Section 61210 provides for the filing of a petition for certification under the MMBA. The proposed amendments would clarify that this type of petition is one that, if successful, would lead to an election, and would be distinguished from a petition for recognition based on proof of support.

Proposed Section 61215 would provide for the filing of a petition for recognition under the MMBA. Consistent with the changes proposed to Section 61210, this new section would provide for a separate type of petition where an employee organization seeking recognition or certification as an exclusive representative does so based on the submission of proof of majority support.

Section 61220 provides for the posting of a notice of the filing of a petition for certification. Changes to the title and text would clarify that the posting requirements are applicable to both a petition for certification and a petition for recognition.

Section 61240 concerns the Board's determination as to the adequacy of proof of support for a petition for certification. The proposed amendments are for the purpose of harmonizing the provisions of this section with the other changes proposed to related sections, including the adoption of proposed Section 61215.

Section 61250 provides for an employer response to a petition for certification. Minor changes to the text are proposed that are consistent with the establishment of separate processes for petitions for certification and petitions for recognition.

Proposed Section 61255 would provide for an employer response to a petition for recognition. This new section is required by the adoption of proposed Section 61215.

Section 61260 provides for amendments to a petition for certification. Changes to the title and text would clarify that the both a petition for certification and a petition for recognition may be amended, and that the requirements for an amendment are applicable in both types of case.

Section 61270 concerns the Board's investigation of disputes concerning a petition for certification. The proposed amendment would make explicit the application of the section to both petitions for certification and petitions for recognition.

Proposed Section 61275 would provide for the Board's certification of an exclusive representative, based on proof of support, under specified circumstances. The adoption of this new section would clarify and make more certain the process whereby an employee organization may obtain exclusive representative status without an election under certain circumstances, consistent with the wording of similar sections applicable under other statutes (see, e.g., Section 33485, applicable to cases arising under EERA). Adoption of this new section is more consistent with statutory changes enacted in 2001 (Chapter 790, Statutes of 2001; Assembly Bill 1281) than existing regulations.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, PERB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations and changes will improve the public sector labor environment and the collective bargaining process by clarifying PERB procedures, making the Board's processes more transparent and accessible, and eliminating redundant procedures. As an additional benefit, these changes will help PERB's constituents to avoid unnecessary and costly unfair practices and related litigation. When public sector labor disputes are resolved in less costly ways, the community at-large benefits from those cost-savings.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: Initial determination of the agency is that the proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq: Initial determination of the agency is that the proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: Initial determination of the agency is that the proposed action to repeal Sections 32810,

32811, 32812 and 32813 create a negligible cost, if any. Historically, PERB receives approximately one to two requests for an arbitrator list per year. Most local agencies and school districts already use other services where a fee is charged to obtain a list.

Costs or savings to state agencies: None. PERB has never received a request for an arbitrator list from another state agency.

Cost or savings in federal funding to the state: None

Cost impact on representative private persons or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Initial determination of the agency is that the proposed action will have no impact.

Significant effect on housing costs: The agency's initial determination is that there is no effect on housing costs.

The proposed regulations will not affect small business because they only affect public employers and public employees.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The adoption of the proposed amendment will benefit public employers, employees, employees' representatives and the community at-large by further facilitating the resolution of public sector labor disputes by clarifying PERB procedures, making the Board's processes more transparent and accessible, and eliminating redundant procedures. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that these employers and employees provide to California communities.

CONSIDERATION OF ALTERNATIVES

A rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

PRELIMINARY ACTIVITIES

PERB staff invited comments on possible regulation changes at a PERB Advisory Committee meeting held on June 28, 2012, and circulated discussion drafts of possible regulation changes both prior to and following that meeting. The Board also relied upon the Economic Impact Assessment identified in this Notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, at the address below. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies of these documents and the Final Statement of Reasons, when available, may be obtained by contacting Jonathan Levy or Katharine Nyman at the address or phone number listed below, and are also available on the Board's web site (see address below).

ADOPTION OF PROPOSED REGULATIONS, AVAILABILITY OF CHANGED OR MODIFIED TEXT AND FINAL STATEMENT OF REASONS

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly indicated—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Jonathan Levy or Katharine Nyman at the address indicated below. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INTERNET ACCESS

The Board will maintain copies of this Notice, the Initial Statement of Reasons and the text of the proposed regulations on its web site, found at www.perb.ca.gov, throughout the rulemaking process. Written comments received during the written comment period will also be posted on the web site. The Final Statement of Reasons or, if applicable, notice of a decision not to proceed will be posted on the web site following the Board's action.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action or the substance of the proposed regulations should be directed to:

Jonathan Levy, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 327-8387

or

Katharine Nyman, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 327-8386